

REMARKS

Claims 1-28 were presented for examination in the present application and remain pending for consideration upon entry of the instant amendment. Claims 1, 20, and 21 are independent.

Applicant respectfully reserves the right to file a divisional application directed to the non-elected subject matter.

Claim 12 has been amended to correct an obvious error.

The Office Action requires restriction under PCT Rule 13.1 among the deadening material of Group I (claims 1-19 and 28), the vechical deadening pan of Group II (claim 20), and the process of Group III (claims 21-27).

Applicant elects, with traverse, the invention of Group I, which includes claims 1-9 and 11-20.

Specifically, Applicant respectfully submits that the Office Action, in asserting that the claims fail to relate to a single general inventive concept, has focused on differences within the claims but has failed to consider the common features, namely the common inventive concept as required by PCT Rule 13.1.

More particularly, the Office Action asserts that the common technical feature is "at least one binding material and at least one filler". Applicants submit that the common technical feature is that the "at least one filler" is natural straw that is at least partly disintegrated. The cited reference, namely DE 3624164, fails to disclose or suggest the claimed filler. Although this reference was initially cited by the European search report as an X reference, Applicants submit that the European examiner has since agreed that this reference fails to disclose or suggest the claimed combination.

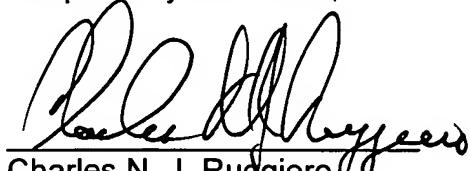
Moreover, if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. See MPEP 803.

Applicant respectfully submits that searching elected Group I is likely to result in finding art pertinent to non-elected Groups II and III. Thus, it is respectfully submitted that searching and examining the subject matter of the non-elected groups, along with elected Group I, does not place a serious burden on the Examiner. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the Requirement for Restriction with regard to Groups II and III.

In view of the above, it is respectfully submitted that the present application is in condition for examination. Applicant respectfully requests favorable consideration and passage of this application to allowance.

If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



Charles N. J. Ruggiero
Reg. No. 28,468
Attorney for Applicant(s)
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th floor
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401

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